



## State of New Jersey

Department of Environmental Protection  
Water Compliance and Enforcement  
401 East State Street, 4<sup>th</sup> Floor  
P.O. Box 422  
Trenton, New Jersey 08625-0422

Christine Todd Whitman  
*Governor*

Robert C. Shinn, Jr.  
*Commissioner*

January 5, 2001

Dear Permittee/Licensed Operator:

Re: Follow Up to Issues Raised at October 16, 2000 DMR Outreach Session

On July 1, 2000, the Department's new multimedia data management system called the New Jersey Environmental Management System (NJEMS) became operational for the New Jersey Pollutant Discharge Elimination System (NJPDES) program. To implement this system, changes in the way you report data to the Department were made. Some of the more important revisions included modifications to the format of the Discharge Monitoring Report ("DMR") form, the introduction of the Waste Characterization Report (WCR) and Residuals Transfer Report (RTR) forms and changes to the former transmittal form now called the Monitoring Report Submittal Form.

On October 16, 2000, the Department invited the regulated community and interested parties to attend a DMR outreach conference at the DEP Headquarters in Trenton to discuss the revisions and to answer questions. The standing room only crowd demonstrated the level of interest shown by you, the regulated community and licensed operators. For those of you who were able or unable to attend the conference, this letter serves to address, in greater detail, some of those questions and concerns raised.

### **Issue No. 1 - Log Sheets Indicating Hours Spent at Facility by Operator**

Several questions were asked regarding how a licensed operator must track his or her hours spent on site since the new Monitoring Report Submittal Form no longer has a section for this information to be recorded as did the old transmittal form. A number of people also wanted to know what, if any, logs or documentation will be asked for during an inspection.

In regards to this issue, the Department has shifted its attention away from a focus simply on hours spent by a licensed operator at a site. Inspectors will concentrate on monitoring results and visual observations. Pursuant to N.J.A.C. 7:14A-6.2(c), each permittee must also have an Operations and Maintenance ("O&M") Manual which specifies the preventative maintenance and operating techniques necessary to operate a system in a manner which satisfies all laws, rules, regulations, license conditions and orders.

All class 3 and class 4 treatment systems require a full-time licensed operator, unless exempted in accordance with the regulations. For all other treatment systems, a licensed operator must spend the number of hours at the facility in order to complete those duties required by the O & M Manual to properly operate the system.

In accordance with the regulations regarding the Licensing of Water Supply and Wastewater Treatment System Operators, N.J.A.C. 7:10A-1.12(a)3, each licensed operator is responsible for conducting inspections of the system(s) and appurtenances in accordance with the schedule specified in the O&M procedures, and/or as directed by the Department. The results of all mechanical inspections essential to the proper O&M of the system shall either be recorded in ink and maintained in bound inspection log books or be maintained in secured-access computer databases or files or other equivalent method of record keeping.

During future compliance and assistance inspections, inspectors from the Department's Water Compliance and Enforcement Bureaus may check to see that a licensed operator's inspection logs record those duties performed in accordance with the O&M procedures. Should a facility be in violation of its Permit, the Department will closely examine those duties performed. Based upon its review, the Department may require changes to the O&M procedures, and reserves the right to take enforcement action against the permittee and/or the licensed operator accordingly.

### **Issue No. 2 - Who Must Sign Monitoring Report Submittal Forms?**

Another issue raised at the October 16, 2000 conference concerned who must sign Monitoring Report Submittal Forms. Questions were asked whether it should be an executive director, president of a company, school board president, the licensed operator or someone else.

A closer look at this issue subsequent to the conference has determined the confusion has resulted because there was a statutory amendment that became effective on January 22, 1993 which is not yet codified in regulation or yet placed in permits. The existing 1993 DMR manual did not fully address the amendment and the new Monitoring Report Submittal Form did not reflect the changes either.

The 1993 statutory amendment clarified who must sign the forms for local agencies and which certifications must be submitted. A local agency is a political subdivision of the state, or an agency or instrumentality thereof, that owns or operates a municipal treatment works (e.g. municipal or county sewage authority, school board, state department, etc.).

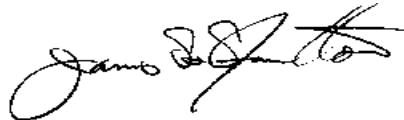
**For a local agency, the highest ranking licensed operator of the treatment works shall sign the Monitoring Report Submittal Form which accompanies a DMR, WCR or RTR. In the case where a local agency has contracted with another entity to operate the treatment works, the highest ranking official who signs the certification on the form shall be an employee of the contract operator.**

**If the highest ranking licensed operator of the local agency does not have the ability to authorize capital expenditures and hire personnel, a person at the local agency having that responsibility must now submit a Supplemental Certification (see attached) with each DMR, WCR and RTR. This new certification only indicates that that person has received and reviewed the accompanying monitoring reports. Also, in the case where a local agency has contracted with another entity to operate the treatment works, the person submitting the certification shall be an employee of the permittee and not of the contract operator.**

If there are any questions regarding the above, please contact the appropriate regional Water Compliance and Enforcement field office as shown below:

- ❑ Central Office (609) 584-4200 - Counties of Mercer, Middlesex, Monmouth, Ocean and Union
- ❑ Northern Office (973) 299-7592 - Counties of Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren
- ❑ Southern Office (856) 614-3655 - Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem

Very truly yours,



James K. Hamilton, Administrator  
Water Compliance and Enforcement

- c:     Water Compliance and Enforcement Bureau Chiefs  
        Director Ahuja, Division of Water Quality  
        Assistant Director Reading, Division of Water Quality  
        Chief Bill Boehle, Permit Management  
        Acting Chief Howard Tompkins, Point Source Permitting Region 1  
        Chief Debra Hammond, Point Source Permitting Region 2  
        Chief Mary Jo Aiello, Pretreatment and Residuals  
        Chief Barry Chalofsky, Nonpoint Pollution Control